



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carl Gustav FIGDOR et al.

Serial No.: 10/625,204

Examiner: Not yet assigned

Filed: 23 July 2003

Group Art Unit: 1614

FOR: COMPOSITION AND METHOD FOR  
MODULATING DENDRITIC CELL-  
T CELL INTERACTION

PETITION UNDER 37 C.F.R. § 1.182

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Corrected Application Papers mailed 13 May 2005, submitted herewith is a copy of Figure 8 of the above-identified patent application together with a Supplemental Preliminary Amendment and Response to Notice to File Corrected Application Papers. This Petition is accompanied by the fee required under 37 C.F.R. § 1.17(f).

This Petition requests that the Figure 8 submitted herewith be accepted as a part of the above-identified patent application and that the patent application be accorded a filing date of 23 July 2003 with priority to parent applications as claimed in the application as filed. According to the PTO records, no Figure 8 was submitted at the time the Application was filed. Applicants urge that Figure 8 was filed with the application papers submitted 23 July 2003 and have enclosed a copy of the postcard submitted with those papers and returned by the U.S. PTO with a barcode sticker indicating the serial number for the application, the postcard (as well as the Application Transmittal Letter submitted 23 July 2003) indicating that 14 pages of drawings were submitted.

Additionally, Applicants urge that Figure 8 was a part of the application as filed on 23 July 2003 because this application was filed as a divisional application together with a Preliminary Amendment which inserted language on page 1, at line 2, which included the continuing data claiming priority to the various parent applications and including the sentence, "All of the foregoing applications are hereby incorporated herein by reference in their entirety." The "foregoing applications" include, e.g., U.S. Application No. 09/719,961 and International Application No. PCT/NL00/00253, both of which include the Figure 8 which the PTO states was lacking from the filed papers of the present application. Because of the incorporation by reference, it is urged that the present application as filed did in fact include Figure 8 regardless of whether the page showing Figure 8 was missing from the papers as filed. Applicants certify that the Figure 8 submitted herewith is identical to the Figure 8 of parent applications U.S. 09/719,961 and PCT/NL00/00253 which should both be of record at the PTO and which were both incorporated by reference in their entirety into the present Application. Applicants hereby petition that Figure 8 be made a part of the present application (10/625,204) and that the present application retain its filing date of 23 July 2003.

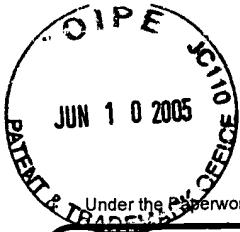
It is further requested that the petition fee be refunded because it is urged that Figure 8 was in fact a part of the present Application as filed.

Respectfully submitted,



Stephen A. Saxe  
Registration No. 38,609  
Alexion Pharmaceuticals, Inc.  
352 Knotter Drive  
Cheshire, CT 06410  
Tel. 203-271-8289

Attorney Docket No. 89 DIV2



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17p (11-04)

Approved for use through 07/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**  
(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/625,204
Filing Date	23 JULY 2003
First Named Inventor	Carl Gustav FIGDOR
Art Unit	1614
Examiner Name	Not yet determined
Attorney Docket Number	89DIV-2

Enclosed is a petition filed under 37 CFR 1.182 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 400.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 01-0483:  
 petition fee under 37 CFR 1.17(f), (g) or (h)  any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

Check in the amount of \$ \_\_\_\_\_ is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Stephen A. Saxe

Signature

Stephen A. Saxe

Typed or printed name

June 8, 2005

Date

38,609

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.